

Marina Sol Homeowners Association  
Minutes, Board of Directors Meeting  
August 27, 2011

President Henry Penney called the meeting to order at 9:08 am. Those present were:

Board Members: Henry Dale Penney, Lisa Seace, Lorie Alice Luiza, Anthony Phillip Peluso, Bartholomew Anthony Cuomo, Steven David Dutra, William Rodney Fawthrop

Vigilance Committee: Clint Suveges, Larry Walters, Claire Griffith

Also present were Manager Lucia Fregoso Melin, Jim Sclafani, Leticia Tolosa Rendon.

Vigilance Committee President Clint Suveges checked the FM3s and verified that all documents were in order.

The April 28 punch list was reviewed. Lucia explained what had been done and what was left.

The agenda was reviewed. Two items were items added Lisa Seace, moved that we approve the agenda. The motion was seconded by Lori Luiza. The motion passed unanimously.

Lorie Luiza moved that we approve the minutes from the April 28, 2011 Board Meeting. Lisa Seace seconded the motion. The motion passed unanimously.

**The President's Report:** No President's report was presented. A newsletter will follow shortly after the meeting.

**The Treasurer's Report,** was presented by Lorie Luiza.

The Dues Collection Report was reviewed. This report with notes is appended. Building or purchasing a security door to block entrance to delinquent units will be investigated by the manager.

Balance Sheet, Operating Statement, and Assets, (bank account balances), were reviewed. These documents are appended.

Lorie communicated the need to build up our Insurance Reserve account. Lisa Seace made a motion to transfer \$18,127.00 USD from the operating account to the Insurance Reserve Fund. Seconded by Lorie Luiza. The motion passed unanimously.

Lorie will watch exchange rates and exchange up to \$60,000 USD to Pesos if it becomes favorable.

Lorie noted that gas expense to heat the pool was high due to rising gas prices. Anthony Peluso volunteered to investigate whether newer more efficient solar heating may be available to help reduce this cost.

A motion was made by Lisa Seace to transfer \$184,000 Pesos from the reserve account to the operating account to pay for the emergency pump repairs. The motion was seconded by Lorie Luiza. The motion passed unanimously.

The Treasurer's Report was accepted by the Board.

**The Manager's Report**, (written report appended), was presented by Manager Lucia Fregoso Melin. She noted the need to improve the ventilation in the elevator room to protect the equipment. The Board instructed her to have maintenance enlarge the ventilation opening. Note: upon inspection of the room during the walk-around, it was discovered that one of the ventilation fans was broken. The manager was directed to replace the broken fan and remove the glass window panes from the window opening to improve ventilation. The effectiveness will be reviewed in November.

The Manager's report was accepted by the Board.

**The Security Committee Report** was presented by Jim Sclafani. He noted that a number of cars in the A-building garage still do not have parking stickers. Jim also asked about status of keypads for gates, (to be discussed under new business).

**The Vigilance Committee Report**, was presented orally by Clint Suveges. Clint expressed a concern that certain aspects of the security reports were an invasion of privacy. Reports should only include condo numbers and nature of complaint. He also expressed the ongoing need for new luggage carts. Steve Dutra has taken on this project. Clint also expressed the need to get the budget for 2012 to the vigilance before general distribution. He also reasserted the desire to have the meeting packages out 30 days in advance of the meeting.

Larry Walters felt that all business operators at Marina Sol should have proper business licenses and that there should be a full-time Marina Sol Concierge. Henry Penny asked Bart Cuomo to generate a list of requirements for business owner and property managers to have in order to operate at Marina Sol.

The meeting was adjourned at 11:05 a.m. for the Walk Around.

The walk-around completed at 12:08 p.m. The resulting punch list is appended.

Adjourn for lunch.

The meeting was reconvened at 1:00 p.m.

## **OLD BUSINESS**

**a. Restaurant to residential status.** Claire Griffith reported that final approval for this project should be in within a couple of weeks. She asked the Board to suspend dues during the winter no-construction season. Steven Dutra made a motion to move forward with the sales closing and suspend dues during the no-construction season. The motion was withdrawn as possibly being in violation of the bylaws. Bart Cuomo made a motion to amend the negotiated settlement. He withdrew the motion pending further discussion.

**b. Bylaws revision, New Baja Condo laws.** Many questions still exist with these laws. We are not sure that the translation we have is a good one. Lucia was instructed to contact Attorney Javier Garcia, a condominium law specialist, for a copy of his translation of the New Bylaws.

**c. Report from Mark Binkley on T.V. quality upgrade.** Mark reported that there were still a couple of signal amplifiers that needed installation. He reported that 3 of the channel modulators in the office needed replacement, some needed adjustment, and channel 8 needs to be moved to a different number on the dial because of local interference. He will prepare a bid for the immediate maintenance work needed and get it to the manager within a week.

Bart Cuomo asked the cost to add channels. Mark said equipment cost was about \$300, and programming about \$50 per month per channel.

**d. Approve final Satellite dish policy, damage waiver:** The policy was reviewed and approved for implementation.

**e. Status of B-building re-pipe:** Manager Lucia Fregoso reported the project done on time and on budget.

**f. Status of well and meter situation:** It was decided to remove the pump from the well as we have not been using water from it and the permit expired a number of years ago. New permits for well use are not currently being issued.

**g. Status of Cabo Villa wall problem:** The Manager reported that Cabo Villas has begun removing the dirt piled against our privacy wall that has been causing damage. The Manager was asked to continue monitoring this situation. The Board decided to repair the wall around the Oasis kitchen for safety reasons.

**h. Bodega ownership and Lynn Lorenz title issue:** President Penney met with Lynn who told him that there was a letter signed by Ms. Lorenz and former HOA President Julie Stir, transferring Bodegas 2 and 3 to Marina Sol, (approximately 1990), #4 shows in the name of Leonora Harris, #5 Accountant, (taxes paid), #6 occupied by Dinah Briggs. Office title is still unclear, but MSHOA has property taxes current.

**i. Elevator tile:** Clint Suveges purchased some marble tile here in Cabo and some in Canada to retile the elevators. Clint presented receipts for tile, (\$351 USD), and air shipping from Canada, (\$330 USD), to the Board for reimbursement. He indicated that approximately \$500 USD worth of tile remained to be purchased and installation costs would be about \$600 for a total project cost of approximately \$1,800 USD. Steven Dutra questioned why these purchases and shipping expenses were made without prior Board approval. After Clint explained his position, a motion was made by Lisa Seace to reimburse Clint Suveges for the marble tile he purchased and the shipping costs, (\$1181.00USD). Seconded by Bart Cuomo. Motion passed unanimously with Steven Dutra abstaining.

**j. Clubhouse upgrades and TV.** Lorenzo presented a cost proposal for new TV. Bart made a motion to buy a new 50" TV at a cost of \$871. Seconded by Lisa Seace. Steve Dutra felt the cost should be approved by the HOA. Lorie was concerned about fitting the cost into the budget. Motion failed. Yes, Bart, Lisa, Anthony. No: Steve, Bill, Henry, Lorie.

**k. Elimination of the Spring GA meeting.** A discussion regarding the pros and cons of eliminating the Spring GA Meeting took place. It was agreed to put the motion on the November Ballot.

**l. Cameras.** It was noted that at night the cameras produce a poor quality picture at night. The Manager was directed to ask the camera contractor about getting a sample of a better low-light camera to test.

**m. Garage C-4.** We are in possession of this garage, but still do not have title. Bart Cuomo made a motion to rent out this garage for \$150 a month at 3 month increments. Seconded by LisaSeace. The motion passed unanimously.

## **CORRESPONDENCE**

The Board received a letter from Gwen Lentz about possible food poisoning from a meal at the Oasis Bar. The Oasis owner, Leticia Tolosa, was made aware of this complaint.

A letter was received from Rick Greenhead regarding placement of an A/C unit in the A-building garage. The Board has ordered the owner of this equipment to install protective bollards.

A letter was received from the employees asking for a wage increases and other benefits. To be taken up in executive session.

## **NEW BUSINESS**

**A. Discuss possible policy for manager approval of light remodel/construction projects.** To expedite approval of small non-structural remodel/improvement projects, the Board would like to develop a list of activities that may be approved directly by the Manager. Lisa Seace offered to generate a list of possible construction activities for eligible for management approval.

**B. Review insurance coverage.** The policy was reviewed to confirm that all buildings were covered. All buildings are covered.

**C. Security system proposal, gate keypads.** Options were discussed for securing the front door at night. The Manager presented a proposal on a system for a front door lock and buzzer system. She was asked to get more details on how the system would work and latch. A proposal and a budget for the cost of perimeter gate digital keypads will be placed as a line item on the November GA ballot.

**D. Front Sign Policy.** A clear written policy for the front monument sign was needed. The following rules will apply: Must be an owner of a commercial space or commercial tenant with a valid business license to qualify for a space. One space per business will be allowed. No phone numbers or web addresses may be place on the sign. Space rent is \$100 per year, per space. Sign graphics must be approved by Board. A motion was made Lisa Seace to implement these policies. Seconded by Bart Cuomo. The motion passed unanimously.

**E. Claire Griffith's solar tube request:** After discussion, a motion was made by Bart Cuomo to allow Claire Griffith and Clint Suveges to install solar light tubes in units 706 and 708 pending the signing of a damage waiver claim indemnification. Seconded by Lisa Seace. The motion passed unanimously.

**F. Lorie Luiza's request for A-312 Building air conditioning unit to be placed in the garage basement:** Equipment must not interfere with parking, and must be protected with bollards if possible to be hit by a vehicle. A motion was made to allow the project by Lisa Seace. Seconded by Bill Fawthrop. The motion passed unanimously. Abstain: Lorie Luiza.

**G. 2012 Budget discussion.** Adding a General Ledger line and budget for unexpected repairs was discussed as many of these costs otherwise incorrectly fall to Special Projects.

**H. Oasis Bar lease status:** In preparation for the expiration of the Oasis lease in June 2012, President Penny reported he would generate a Request for Proposal for review at November Board meeting.

**I. Jim Sclafani's air conditioning louver request for A-402:** A motion was made by Bart Cuomo to allow the window louvers on A-402 facing the garbage area. The louvers must be of a high-quality finish. Seconded by Lisa Seace. The motion passed unanimously. Steve Dutra will send a letter notifying the Sclafanis of the decision.

Enter Executive session 4:38. Return to record 6:20

A motion was made by Bart Cuomo to apply \$10,000 of the negotiated settlement from Lynn Lorenz on the sale of A-I as a credit for Dorman's HOA dues as an incentive to close the sale by 11/10/2011. A \$2,500 deposit will be required at start of demolition with an additional \$2,500 required on May 1, 2012. A \$500 a day fine will be assessed for violating the winter no-construction rules. Seconded by Lisa Seace. The motion passed unanimously.

Lisa Seace made a motion to adjourn. Seconded by Lorie Luiza. Motion passes unanimously. Meeting adjourned at 6:35 p.m.

**Internet votes, 5/1/11 to 8/26/11**

6/10 A motion to use Susanna to proceed legally, (cost \$5000), against Cabo Villas for piling dirt against our E-building wall failed. No: Bart, Anthony, Bill, Lorie, Lisa. YES: Steve ABSTAIN: Henry. Most expressed an interest in continuing to find a diplomatic solution.

6/16 The Manager asked for permission to start the B-Building re-pipe project on Monday 6/20 instead of the originally approved 7/15 since things were so quiet around Marina Sol. Approval was granted 6-0-1, (No vote from Bart).

6/23 The Board approves the remodel request for C-103

7/5 Motion by Steven Dutra: Offer Ray Grimmit, A-212, the following deal on delinquent dues: The board will waive penalties but not interest on the delinquent dues providing the full amount is paid by August 1, 2011. If this condition is not met, penalties will be reinstated and no further waivers or reductions will be made for this owner on this balance. (Note, the conditions were not met by 8/1/2011, and the waiver offer expired).

Respectfully submitted,

Steven Dutra, Secretary  
Marina Sol Homeowners Association